

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

30 September 2008

INDEX

Minute	File No.	SUBJECT	Page
636	C00679	Apologies	3
637	C00336	Confirmation of Minutes - Ordinary Meeting – 9 September 2008	3
	C00336	Declarations of Interest - Ordinary Meeting, 30 September 2008	4
638	F04326	Election of Mayor	4
639	F04326	Election of Deputy Mayor	5
640	F04326	Acknowledgement of former Councillors	5
641	F03644	Council representative to serve on the Public Libraries NSW, Metropolitan Association (Inc)	6
642	F01140	Council representative to serve on Blue Mountains World Heritage Advisory Council	6
643	F03376	Council representative to serve on the board of Blue Mountains Tourism Limited	6
644	F01770	Katoomba Library Technical Advisory Panel	7
645	F04326	Representation on Bushfire Management Committee	7
646	F04326	Representation on the Rural Fire Service District Liaison Committee	7
647	F04326	Waste and Resource Reference Group	8
648	F04326	Hawkesbury Nepean Catchment Local Government Advisory Group	8
649	F04326	Sydney Catchment Authority (SCA) Local Government Reference Panel	8
650	F04326	Youth Council Advisory Committee	9
651	F04326	Western Sydney Area Assistance Scheme – Blue Mountains Local Area Ranking Committee	9
652	F04326	Sister City Committee	9
653	F04326	Appointment of Councillor representative to the Westpool Board	10
654	F04326	Appointment of two directors of Western Sydney Regional Organisation of Councils (WSROC Limited)	10
655	F01154	Blue Mountains East Timor Friendship Committee	10
656	F02196	Blaxland High School Sports Centre Management Committee	11
657	F01200	Blue Mountains Sports Council	11
658	F04613	Local Government Association of NSW 2008 election of executive committee	11
659	C06814	2008 Local Government Association Conference – nomination of delegates	12
660	F04326	Discontinuation of Councillor representation on committees	12
661	C00694	Schedule of Invested Monies	12
662	F02965	Adoption of changes to the 2008-2009 Fees and Charges	13
663	C00738	Completion of Financial Reports for the year ended 30 June 2008	13

INDEX Contd

Minute	File No.	SUBJECT	Page
664	F00296	Code of Conduct	14
665	C00944	Community Assistance / Donations – recommendations by councillors	15
666	C00336	Procedural – Matter of Urgency	15
667	C00336	Matter of Urgency – proposed cricket pitch, Summerhayes Park	15
668	C00680	Precis of Selected Correspondence, 30 September 2008	15
669	F04178	Procedural - Confidential Business Paper	15
670	F04178	Confidential Business Paper – Sale of Council owned land at 75 Bullaburra Road, Bullaburra (Lot 369, DP 17015)	16
671	F04178	Procedural – Return to Open Meeting	16
672	C00336	Procedural – Question that Meeting Close	17

Minutes of the Ordinary Meeting of the Council of the City of Blue Mountains, held in the Council Chamber, Administrative Headquarters, Civic Place, Katoomba on Tuesday, 30 September 2008, commencing at 7:32 pm.

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There were present:

The Mayor, Councillor Jim Angel in the Chair, and Councillors Clark, Creed, Gibbs, Greenhill, Hamilton, Luchetti, Mays, McCallum, McLaren, Myles, Searle and Van der Kley.

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In attendance:

General Manager, Group Manager BM City Services, Group Manager Community & Corporate, A/Group Manager Environmental & Customer Services, Executive Officer, Manager City Planning, Chief Financial Officer, Manager Assets and Contracts, Manager Environmental Management, Communications Officer, A/Program Leader Property and Facilities, Senior Ranger, Ranger, Project Support Officer Compliance, Program Leader Community Outcomes.

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Prayer / Reflection:

The Prayer / Reflection was read by the Mayor, as was the acknowledgement of the traditional owners, the Darug and Gundungurra people.

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MINUTE NO. 636

C00679. Apologies

Nil.

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MINUTE NO. 637

C00336. Confirmation of Minutes - Ordinary Meeting – 9 September 2008

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Creed that the Minutes of the Ordinary Meeting of 9 September 2008 be confirmed.

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C00336. Declarations of Interest – Ordinary Meeting, 30 September 2008

Nil

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MINUTE NO. 638**1. F04326. Election of Mayor**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Searle:

That Council elect the Mayor in accordance with Schedule 7, Local Government (General) Regulation 2005.

RESOLVED UNANIMOUSLY on the FURTHER MOTION of Councillors Searle and Hamilton:

That the method of election of the Mayor be by way of Open Vote.

The Returning Officer proceeded with the election of Mayor by way of Open Vote.

Upon being PUT to the Meeting, the NOMINATION of Councillor Searle as Mayor was CARRIED, the vote being:

Councillor Searle	7 votes
Councillor Van der Kley	5 votes

For		Against	
Councillors		Councillors	
	Clark		Creed
	Gibbs		Myles
	Greenhill		Hamilton
	Mays		Luchetti
	McCallum		Van der Kley
	McLaren		
	Searle		

As a result of the voting, the Returning Officer declared **Councillor Searle elected as Mayor until September 2009 and was asked to take the Chair.**

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MINUTE NO. 639**2. F04326. Election of Deputy Mayor**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and McLaren:

That Council resolve to elect the Deputy Mayor for the term of 12 months by way of Open Vote.

The Returning Officer proceeded with the election of Deputy Mayor by way of Open Vote.

Upon being PUT to the Meeting, the NOMINATION of Councillor Mays as Deputy Mayor was CARRIED, the vote being:

Councillor Mays	7 votes
Councillor Van der Kley	4 votes

For	Against
Councillors	Councillors
Clark	Creed
Gibbs	Greenhill
Luchetti	Hamilton
Mays	Myles
McCallum	Van der Kley
McLaren	
Searle	

Councillor Greenhill abstained from voting, however in accordance with the Code of Meeting Practice (3.9.9) Councillor Greenhill has been recorded as voting against the motion.

As a result of the voting, the Returning Officer declared **Councillor Mays elected as Deputy Mayor until September 2009.**

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MINUTE NO. 640**3. F04326. Acknowledgement of former Councillors**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and McLaren:

1. **That former Councillors Angel, Brown, Frappell, Henson, McInnes, O'Grady and Trindall be commended for their diligent and comprehensive civic service to the Blue Mountains City Council and the community and a thankyou be extended also to returning Councillors Creed, Hamilton, McLaren, Myles, Searle and Van der Kley.**
2. **That the contribution of former Councillor Angel as Mayor of the Blue Mountains City Council for a period of nine years, be formally recognised and recorded.**

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MINUTE NO. 641

4. F03644. Council representative to serve on the Public Libraries NSW, Metropolitan Association (Inc)

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Greenhill:

- 1. That Council appoint Councillor Hamilton to the Public Libraries NSW – Metropolitan Association (Inc) for the duration of their term of office.
- 2. That Council thank Councillor Hamilton, for her contribution to library service in the Blue Mountains as Council representative on the Public Libraries NSW – Metropolitan Association (Inc).

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MINUTE NO. 642

5. F01140. Council representative to serve on Blue Mountains World Heritage Advisory Council

RESOLVED UNANIMOUSLY on the MOTION of Councillors Gibbs and Mays:

- 1. That the Council appoint Councillor McCallum to the Blue Mountains World Heritage Advisory Council for the term of the Council, noting that the Councillor representative holds the position of Chairperson on this Committee.
- 2. That the former Mayor, Councillor Jim Angel, as well as outgoing Committee members, be thanked for their contribution as the Council representative on the Blue Mountains World Heritage Advisory Council.

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MINUTE NO. 643

6. F03376. Council representative to serve on the board of Blue Mountains Tourism Limited

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Creed:

- 1. That the Council appoint Councillor Hamilton to serve on the Board of Blue Mountains Tourism Limited for the term of this Council.
- 2. That the Council thank Councillor Terri Hamilton for her contribution to tourism in the Blue Mountains as a Council representative on the Board of Blue Mountains Tourism Limited.

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MINUTE NO. 644

7. F01770. Katoomba Library Technical Advisory Panel

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Greenhill:

1. That Council appoint Councillor Hamilton on the Katoomba Library Technical Advisory Panel, noting that the Councillor nominated holds the position of Chairperson on this panel.
2. That Council thank Councillor Hamilton for her contribution to library service in the Blue Mountains as Chairperson on the Katoomba Library Technical Advisory Panel.

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MINUTE NO. 645

8. F04326. Representation on Bushfire Management Committee

The meeting was addressed by Ivan Jeray.

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Greenhill:

1. That the Council appoint Councillor Van der Kley as its representative and Councillor McCallum as an alternate representative to the Blue Mountains Bushfire Management Committee for the term of this Council.
2. That the Council thank Councillor Van der Kley for his contribution to this Committee.

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MINUTE NO. 646

9. F04326. Representation on the Rural Fire Service District Liaison Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Mays:

1. That the Council appoint Councillor Van der Kley as its representative on the Blue Mountains Rural Fire Service (RFS) District Liaison Committee for the term of this Council with Councillor Creed being appointed as an alternate or proxy representative.
2. That the Council thank former Councillor Frappell as well as Councillor Van der Kley for their contribution to this Committee.

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MINUTE NO. 647

10. F04326. Waste and Resource Reference Group

RESOLVED UNANIMOUSLY on the MOTION of Councillors Gibbs and Mays:

- 1. That the Council appoint Councillors McCallum and Van der Kley to the Waste and Resources Reference Group.
- 2. That the Council thank Councillor Van der Kley for his contribution to this Committee.
- 3. That the Council adopt the revised Terms of Reference.

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MINUTE NO. 648

11. F04326. Hawkesbury Nepean Catchment Local Government Advisory Group

A MOTION was moved by Councillors Luchetti and McLaren:

- 1. That the Council appoint Councillor McCallum as its representative to the Hawkesbury Nepean Catchment Local Government Advisory Group for the term of this Council.
- 2. That the Council thank former Councillor McInnes for her contribution to this advisory group.

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MINUTE NO. 649

12. F04326. Sydney Catchment Authority (SCA) Local Government Reference Panel

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Luchetti:

- 1. That the Council appoint Councillor McCallum as its representative and Councillor Hamilton as an alternate representative for the Sydney Catchment Authority Local Government Reference Panel,
- 2. That Councillor Hamilton is thanked for her contribution to this Panel.

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MINUTE NO. 650

13. F04326. Youth Council Advisory Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Greenhill:

1. That the Council appoint Councillors Luchetti and Clark to the Youth Council Advisory Committee for a four year term.
2. That the Council thanks former Councillors McInnes, O’Grady and Trindall as outgoing members of the Advisory Committee, for their contribution to the Youth Council.

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MINUTE NO. 651

14. F04326. Western Sydney Area Assistance Scheme – Blue Mountains Local Area Ranking Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Mays:

1. That the Council appoint Councillors Gibbs and McLaren to the Western Sydney Area Assistance Scheme Blue Mountains Local Ranking Committee, for a four-year term.
2. That former Councillors McInnes and Trindall are thanked for their contribution to this Committee.

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MINUTE NO. 652

15. F04326. Sister City Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Greenhill:

1. That the Council appoint Councillors Van der Kley and Creed to the Blue Mountains Sister Cities Committee for the term of this Council or until such time as the Committee is reviewed.
2. That the Council review the Sister City relationships and their continued operations by March 2009 to inform the Annual Management Plan process for 2009-10.
3. That former Councillor Jim Angel and Councillor Chris Van der Kley be thanked for their contribution as Council representative on the Blue Mountains Sister Cities Committee.

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MINUTE NO. 653**16. F04326. Appointment of Councillor representative to the Westpool Board**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Greenhill:

1. That Council appoint Councillor Myles to the Westpool Board and the United Independent Pool for the term of the Council.
2. That Council thank Councillor Daniel Myles for his contribution to Westpool.

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MINUTE NO. 654**17. F04326. Appointment of two directors of Western Sydney Regional Organisation of Councils (WSROC Limited)**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Mays:

1. That the Council appoint Councillors Gibbs and McLaren as Directors of the Western Sydney Regional Organisation of Councils (WSROC Limited) for the four year term of the Council. Councillors Searle and Myles are nominated as alternate Councillors, should this provision exist in the WSROC Constitution.
2. That in any circumstances whereby Council would be unable to exercise its two votes, the Director(s) who would be absent advise the General Manager as soon as possible and the General Manager, after discussion with the Mayor, be authorised to enable the appropriate proxy or proxies.
3. That Councillors Searle and McLaren be thanked for their contributions as the previous Council representatives on WSROC.

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MINUTE NO. 655**18. F01154. Blue Mountains East Timor Friendship Committee**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Gibbs:

1. That the Council seek nominations from the community for a chairperson of the Committee and that in the interim the Committee be chaired by the Mayor or a nominee.
2. That the Council appoint Councillors Clark and Creed as its representatives to the Blue Mountains East Timor Friendship Committee.
3. That the Council thanks former Councillors Angel and O'Grady, as well as outgoing Committee members, for their contribution to this Committee.

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MINUTE NO. 656**19. F02196. Blaxland High School Sports Centre Management Committee**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Creed:

1. That the Council receives a further report on the Council's involvement in the running of the Blaxland High School Sports Centre in May 2009.
2. That the Council's current nominees, former Councillor Kevin Frappell and Mr Tony Adamski remain the Council's representatives on the Management Committee until May 2009.

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MINUTE NO. 657**20. F01200. Blue Mountains Sports Council**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Hamilton:

1. That the Council adopts the amended Sports Council Terms of Reference (see attached) and amended Sports Ground Hire and Use Handbook.
2. That the Council appoint a minimum of one Councillor per Ward, being Councillors Myles, Greenhill, Mays, Van der Kley, to the Sports Council for 2008/2009 and from the nominated Councillors, the Council appoint Councillor Myles as the Sports Council Chairperson.
3. That the Council approves the proposed membership of the Blue Mountains Sports Council for 2008/2009.
4. That the Council continue its financial support of the Western Sydney Academy of Sport for the 2008/2009 financial year.
5. That the Council thank Councillors Hamilton and Myles and former Councillors Frappell and McInnes as well as outgoing Committee members, for their contribution to this Committee.

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MINUTE NO. 658**21. F04613. Local Government Association of NSW 2008 election of executive committee**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley:

1. That the Council nominate Councillor Myles as its representative to the Local Government Association of NSW Executive Committee for a two year term.

MINUTE NO. 658 Contd

2. **That the nominee/s complete the official nomination form with the signatures of two nominators.**

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MINUTE NO. 659**22. C06814. 2008 Local Government Association Conference – nomination of delegates**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Greenhill:

1. **That the Council nominate Councillors Gibbs, Van der Kley, Creed and Mays as the four voting delegates for the 2008 Local Government Association Conference.**
2. **That the Council representatives are authorised to attend the 2008 Local Government Association Conference to be held at Broken Hill, 25-29 October 2008.**

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MINUTE NO. 660**23. F04326. Discontinuation of Councillor representation on committees**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley:

1. **That the Council endorse the report on the discontinuation of Councillor Representation on the Alliance of Western Sydney Councils – Western Sydney Airport Committee; Katoomba and Echo Point Implementation Advisory Taskforce and the Sydney Road Links Committee**
2. **That Council thank the former and continuing Councillors for their contribution to these Committees.**

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MINUTE NO. 661**24. C00694. Schedule of Invested Monies**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Myles:

1. **That the Schedule of Invested Monies as at 31 August 2008 be received.**
2. **That Council note, that in response to the current turbulence in global financial markets, active and prudent steps are being taken to secure the Council's investment portfolio and financial position as outlined in the report.**

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MINUTE NO. 662**25. F02965. Adoption of changes to the 2008-2009 Fees and Charges**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Greenhill:

1. That the Council adopts the inclusions to the 2008-2009 Fees and Charges as follows:
 - a) Fee for Supply of Extra Bins for One-off Events to be included in the 'Events' section of the 2008-2009 Fees and Charges as follows:
 - Planned requests per bin (240 litre) - \$35.20
 - Urgent requests per bin (240 litre) - \$46.20
 - b) Fees for Blackheath Vacation Care Program be included in the 'Children, Family Day Care and Vacation Care' section of the 2008-2009 Fees and Charges as follows:
 - Fee per day per child - \$32.00
 - Fee per day per child excursion rate - \$37.00
 - New child registration fee - \$15.50
 - Overtime / late fee - \$15.50 for every 15 minutes
2. That the fees be added to the 2008-2009 Fees and Charges schedule.

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MINUTE NO. 663**26. C00738. Completion of Financial Reports for the year ended 30 June 2008**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Greenhill:

1. That the Council form the opinion that:
 - a) The Annual Financial Reports and Special Purpose Financial Reports for the financial year ended 30 June 2008 have been drawn up in accordance with:
 - the Local Government Act, 1993 and Regulations,
 - the Local Government Code of Accounting Practice and Financial Reporting, and
 - the Australian Accounting Standards and Professional Pronouncements.
 - (b) The Annual Financial Reports and Special Purpose Financial Reports present fairly the Council financial position and operating result for the year;
 - (c) The Annual Financial Reports and Special Purpose Financial Reports accord with the Council accounting and other records;

MINUTE NO. 663 Contd

- (d) **There are no circumstances known that would make the Annual Financial Reports or Special Purpose Financial Reports false or misleading in any way.**

2. That the attached statement be made and signed on behalf of the Council by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer.

3. That the 2007/2008 General Purpose and Special Purpose Financial Reports be forwarded to the Council external auditor for audit.

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MINUTE NO. 66427. F00296. Code of Conduct

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Greenhill:

- 1. That the Council adopts the Draft Code of Conduct for the purpose of public exhibition.**
- 2. That the exhibition of the Draft Code be for a period of 28 days and be widely advertised and promoted with submissions being accepted for 35 days.**
- 3. That a report comes back to the Council following the public exhibition period and consolidation of submissions.**

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MINUTE NO. 66528. C00944. Community Assistance / Donations – recommendations by councillors

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Greenhill:

That the Council approve the following donations from the Councillors' Minor Local Projects Vote:

<u>Organisation</u>	<u>Amount</u>
Mountains Outreach Community Service Inc.	\$100.00

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MINUTE NO. 666**29. C00336. Procedural – Matter of Urgency**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Myles **that the Council consider a matter relating to the proposed cricket pitch at Summerhayes Park, Winnalee, having been ruled by the Mayor to be a matter of urgency.**

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MINUTE NO. 667**30. C00336. Matter of Urgency – proposed cricket pitch, Summerhayes Park**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Myles:

1. **That the Council note, that the Plan of Management for Summerhayes Park does not permit a cricket pitch on the fields.**
2. **That a forum of user groups be convened to resolve outstanding issues in relation to the Park.**

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MINUTE NO. 668**31. C00680. Precis of Selected Correspondence, 30 September 2008**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Greenhill:

That the Précis of Selected Correspondence be received and appropriate letters forwarded where necessary.

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MINUTE NO. 669**32. F04178. Procedural - Confidential Business Paper**

The meeting was addressed by Ivan Jeray.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Van der Kley:

1. **That Item C1 in the Confidential Business Paper be deferred for consideration until all other business of this meeting has been concluded.**
2. **That the Council close part of the Council Meeting for consideration of Item C1 of the Confidential Business Paper to discuss information related to the potential sale of Lot 369, DP 17015 known as 75 Bullaburra Road, Bullaburra pursuant to**

MINUTE NO. 669 Contd

the provisions of Section 10A(2)(c) of the Local Government Act 1993, as the report contains and discussion is likely to involve, information that would if disclosed, confer a commercial advantage on an individual with whom the Council is conducting business.

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MINUTE NO. 670

33. F04178. Confidential Business Paper – Sale of Council owned land at 75 Bullaburra Road, Bullaburra (Lot 369, DP 17015)

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Greenhill:

That the Council defer the Confidential Business Paper for presentation at the next Council Meeting.

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MINUTE NO. 671

34. F04178. Procedural – Return to Open Meeting

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Van der Kley:

That the Council return to being an Open Council Meeting.

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MINUTE NO. 672

35. C00336. Procedural – Question that Meeting Close

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and McLaren **that as there was no further business before the meeting, the Council Meeting now close.**

The ordinary Meeting of the Council closed at 8:37 pm on Tuesday 30 September 2008.

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